



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3010597

**Applicant Name:** David Kerr of C.A. Carey Co. for Seattle Department of Transportation

**Address of Proposal:** 601 Fourth Avenue

**SUMMARY OF PROPOSED ACTION**

Land Use Application to establish temporary use as a staging area for Seattle Department of Transportation street improvements with a mobile field office on a vacant lot.

The following approvals are required:

**Temporary Use Permit** - Chapter 23.42.040

**SEPA - Conditioning pursuant to Seattle's SEPA policies.** Chapter 25.05, Seattle Municipal Code.

**SEPA DETERMINATION:** ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS\*

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition or another agency with jurisdiction.

**BACKGROUND DATA**

**Site Location:** The project site is located on a full block bounded by Third Avenue on the west, Fourth Avenue on the east, James Street on the south and Cherry Street on the north.

<u>Zoning:</u>	The site is located in a Downtown Mixed Commercial (DMC) zone with a 340/290-400 height classification.
<u>Parcel Size:</u>	Approximately 57,120 square feet.
<u>Existing Use:</u>	Vacant.
<u>Zoning in Vicinity:</u>	To the north and east of the site, the zoning classification is Downtown Office Commercial One with an Unlimited/450-Unlimited height allowance (DOC1 U/450-U). To the east and south of the site, the zoning shifts to DMC 340/290-400, the same as the proposal site. The Pioneer Square Mixed zones lie farther to the south.
<u>Uses in Vicinity:</u>	There is a mix of various commercial and residential uses in the vicinity of the project site.

#### Proposal Description

The applicant, C. A. Carey Co., proposes to utilize the subject property as a construction staging area to support construction activities for the Seattle Department of Transportation's road improvements of Second Avenue, Second Avenue Extension South, Fourth Avenue, and Fourth Avenue South. The applicant would supplement the staging area with a portable office trailer utilizing generator power. Formerly the site of the city of Seattle's Public Safety Building, the full block vacant site had limited grading after building demolition. The parcel comprises approximately 57,120 square feet. The entire area has a wood fence along the perimeter. A gate along James St. provides vehicular access to a ramp that descends to grade.

#### Public Comments

The public comment period ended October 14, 2009. The department did not receive any comments.

#### **ANALYSIS – TEMPORARY USE PERMIT**

Pursuant to SMC 23.42.040, the Director may "grant, deny or condition applications for temporary uses not otherwise permitted or not meeting development standards in the zone"

Temporary Uses for a time period of up to six months may be authorized for any use that does not involve the erection of any permanent structure and that meets the following requirements.

1. The use shall not be materially detrimental to the public welfare.

The proposed use does not pose detrimental impacts to the public welfare. The site has a high construction fence along the perimeter preventing entry into the site by individuals unrelated to SDOT construction activities.

2. The use shall not result in substantial injury to the property in the vicinity.

Vehicles entering into and exiting from the site will use establish downtown street rights-of-way. As the site covers an entire city block and no other parcels adjoin the subject site, the temporary use of the site should not result in substantial injury to property in this area of downtown.

3. The use shall be consistent with the spirit and purpose of the Land Use Code.

This proposal is consistent with the spirit and purpose of the Land Use Code. Within the proposed temporary staging area there will not be the erection of a permanent structure. A mobile operations office will assist in managing the staging area and will be removed after six months. At the end of the six-month period, the use must be discontinued.

### **DECISION – TEMPORARY USE**

The temporary use application request is **GRANTED**.

### **ANALYSIS – SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

#### **Short-term Impacts**

The following temporary or construction-related impacts are expected:

- Decreased air quality due to suspended particulates (dust) from hydrocarbon emissions and greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials.
- Increased traffic and demand for parking from equipment and personnel;
- Conflicts with normal pedestrian and vehicular movement adjacent to the site;
- Increased noise and vibration; and,
- Consumption of renewable and non-renewable resources.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). In addition Federal and State regulations and permitting authority are effective to control short-term impacts on water quality. Compliance with these applicable codes and ordinances will reduce or eliminate most of the short-term impacts to the environment. Other impacts are further discussed below.

#### *Air Quality*

The indirect impact of construction staging activities, including construction worker commutes, truck trips, and the operation of construction equipment and machinery result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project and therefore air quality mitigation is not necessary.

#### *Traffic and Parking*

The applicant expects six deliveries of aggregate materials to the site on delivery days spread throughout the month. The number of delivery days equals approximately 11 days a month. Two trucks will each make 12 round trips a day to the construction sites along Fourth Ave, Fourth Ave. S., Second Ave., Second Ave. Extension, and Third Avenue. Due to the staging area requirements, limited contractor parking will occur on the site. No further conditioning is warranted to mitigate short-term traffic or parking impacts.

#### *Noise*

No fabrication of materials will occur in the construction staging area. Noise will be limited to the loading of materials on and off of trucks by an excavator and a backhoe. Other noise will be generated by truck ingress and egress.

The city of Seattle Noise Ordinance should sufficiently regulate noise emanating from the temporary use. Further conditioning is not warranted to mitigate short-term noise impacts.

#### *Light and Glare*

After sunset, vehicles exiting the site may produce a small amount of additional light and glare affecting the residential neighbors to the west of the site. The applicant expects approximately 24 vehicle trips between the staging area and the construction sites throughout the day. These short-term impacts are not considered significant because they are minor in scope.

#### *Long-term Impacts*

Construction impacts including staging activities, construction worker commutes, truck trips, and the operation of construction equipment and machinery result in increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

## **CONCLUSION - SEPA**

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. Specific impacts identified in the foregoing analysis are regulated by existing city codes and ordinances. No conditioning is warranted.

## **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

Signature: (signature on file)  
Bruce Philip Rips, Senior Urban Planner  
Department of Planning and Development  
Land Use Services

Date: November 19, 2009